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EXAMINER

CHUONG, TRUC T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/738,294
Filing Date: December 18, 2000
Appellant(s): THOMPSON ET AL.

MAILED
DEC 07 2004
Technology Center 2.1.0

Kent Daniels
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 26, 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The issue on appeal has been stated as follows:

1) Are claims 1-22 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492)?

2) Is claim 23 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492), and further in view of Lane (U.S. Patent No. 5,437,009)?

(7) *Grouping of Claims*

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Group 1. Claims 1-22 stand or fall together as a group.

Group 2. Claim 23 stands or falls as a separate group.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,793,365	Tang et al.	Aug. 11, 1998
5,995,492	Klein et al.	Nov. 30, 1999
5,437,009	Lane	July 25, 1995

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492).

As to claim 1, Tang teaches a method of initiating communications using a persistent virtual team environment instantiated by a collaboration services suite for facilitating collaboration between members of a team, the method comprising steps of:

providing a graphical interface adapted to enable a person to interact with the virtual team environment to select each one of: a personal identifier associated with a respective team member; and one of a plurality of different types of communications (col. 3 lines 32-41, col. 4 lines 14-28, identification information, col. 11 lines 38-45, a user logs on, col. 14 lines 64-66); and initiating a new communications session using the selected personal identifier and type of the communications (the gallery window 10 may further reflect whether there are any new data items 26 have been added to the object shelf 24 or any new text discussion, sic, col. 9 lines 63-67, most recent update, col. 11 lines 1-3, col. 12 lines 9-20 and figs. 1A, 5-6, and 8); although Tang mentions using telephones in his invention (col. 6 lines 47-50), Tang does not clearly show in details how each member of the team communicates over at least a Switched Telephone Network (STN). Klein clearly shows virtual switching point in a public switched telephone (col. 17 lines 64-67, col. 18 lines 1-28 and fig. 1) to switch from one telephone to a different telephone. It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have Klein's virtual switching feature in Tang's communication devices in order to provide an ultimate implementation when user can manually control virtual switches.

As to claim 2, Tang teaches a method as claimed in claim 1, wherein the types of communications comprise: 1-way messaging (error message, col. 14 lines 46-52); 2-way messaging; voice; and multi-media (col. 13 lines 1-12, col. 14 lines 18). Klein clearly shows virtual switching point in a public switched telephone (col. 17 lines 64-67, col. 18 lines 1-28 and fig. 1) to switch from one telephone to a different telephone. It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have Klein's

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virtual switching feature in Tang's communication devices in order to provide an ultimate implementation when user can manually control virtual switches.

As to claim 3, Tang teaches inherently a method as claimed in claim 2, wherein 1-way messaging comprises one or more of paging because Tang's operating environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to page them whenever new messages or important news arrive to their personal devices such as: PDAs, cellular phones, pagers, or the like.

As to claim 4, Tang teaches a method as claimed in claim 2, wherein 2-way messaging comprises instant messaging (error message, col. 14 lines 46-50, reflect status, col. 5 lines 59-61).

As to claim 5, Tang teaches a method as claimed in claim 2, wherein multi-media communications comprises one or more of: document sharing, and application sharing (col. 3 lines 59-67).

As to claim 6, Tang teaches a method as claimed in claim 1, wherein the graphical interface comprises at least one communications type icon representative of a respective type of communications (icon, col. 5 lines 20-28 and figs. 1A-5).

As to claim 7, Tang teaches a method as claimed in claim 6, wherein each communications type icon is associated with the personal identifier of the respective team member, and representative of a respective type of communications in which the team member is available to participate (topic of discussion, col. 3 lines 59-67, and figs. 5-9).

As to claim 8, Tang teaches a method as claimed in claim 7, wherein the graphical interface is adapted to enable simultaneous selection of both the personal identifier and the type of communications by selecting one of the at least one communications type icons associated with the personal identifier (figs. 3, 5, and 7).

As to claim 9, Tang teaches a method as claimed in claim 1, wherein the graphical interface comprises a menu for listing each one of the plurality of different types of communications, the graphical interface being adapted to enable selection of one of the plurality of different types of communications from the menu (col. 8 lines 29-51 and fig. 3).

As to claim 10, Tang teaches a method as claimed in claim 1, further comprising a step of opening a communications initiation window in response to selection of either one or both of the personal identifier and the type of communications (figs 5 and 7).

As to claim 11, Tang teaches a method as claimed in claim 10, wherein the communications initiation window is adapted to permit the person to enter a description of a topic associated with the communications (fig. 9).

As to claim 12, Tang teaches a method as claimed in claim 10, wherein the communications initiation window is adapted to enable the person to send a communications initiation request to the collaboration services suite (col. 14 lines 59-67, and col. 15 lines 1-13).

As to claim 13, Tang teaches a method as claimed in claim 12 wherein the communications initiation request includes the personal identifier of the team member to be invited to join the communication, and information concerning the selected type of communications to be initiated (sharing information and specific topic between workgroup members, col. 3 lines 65-67, and col. 4 lines 1-10).

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As to claim 14, Tang teaches a method as claimed in claim 1, wherein the step of initiating the new communications session comprises the steps of:

using the personal identifier to send an invitation to the respective team member inviting the team member to join the communications session; receiving an invitation response from the respective team member, the invitation response representing whether or not the respective team member accepts the invitation; and if the respective team member accepts the invitation, establishing the communications session with the team member, using the personal identifier and the selected communications type because Tang's operating environment uses email and other communication devices (see claim 3 above) in communications between team members; therefore, meeting requests or an invitation along with a topic of discussion can be sent out to the team members, and the requester, who sent the invitation, will receive team members' replications.

As to claim 15, Tang teaches a method as claimed in claim 14, wherein the step of sending an invitation comprises the steps of:

using the personal identifier to select a respective team member profile associated with the team member, the team member profile comprising communications preference information defining preferences of the team member for participating in communications with other members of the team using at least one of a plurality of different communications devices (identifying information, col. 11 lines 37-45);

selecting a communications device associated with the team member for receiving the invitation; and forwarding the invitation to the team member using the selected communications device (note the rejection of claim 14 above).

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As to claim 16, Tang teaches a method as claimed in claim 15, wherein the step of selecting a communications device comprises a step of searching the team member profile (identifying information, add/remove user icons, and search chat room directory, col. 11 lines 41-65) for communications information concerning a preferred text communications device (text chat application, col. 12 lines 63-66 and figs. 5 and 9).

As to claim 17, Tang teaches a method as claimed in claim 16, further comprising, when communications information concerning a preferred text communications device is located (Tang's system concerns about physical location of team members along with hardware, computer type, and the like, col. 3 lines 53-58), a step of selecting the preferred text communications device as the selected communications device for receiving the invitation (select text communication device of figs. 3 and 5).

As to claim 18, Tang teaches a method as claimed in claim 17, wherein the step of forwarding the invitation to the team member comprises the steps of:

formulating a text-based invitation message suitable for display by the selected communications device (text string depending on the level of hardware support available to each worker, the network bandwidth available, and the level of privacy each worker desires, col. 5 lines 23-43); and

sending the text-based invitation message to the selected communications device (see claim 14 above).

As to claim 19, Tang teaches a method as claimed in claim 16, further comprising, when communications information concerning a preferred text communications device is not located, the steps of:

searching the team member profile for communications information concerning a preferred voice communications device (col. 8 lines 13-28); and

if information concerning the preferred voice communications device is located, selecting the preferred voice communications device as the selected communications device for receiving the invitation (col. 8 lines 13-28, and see claim 14 above).

As to claim 20, Tang teaches a method as claimed in claim 19, wherein the step of forwarding the invitation to the team member comprises the steps of:

forwarding session information concerning the invitation to an interactive voice response (IVR) interface of the collaboration service suite (audio input and microphone, col. 13 lines 1-12);

establishing a voice communications between the IVR interface and the team member using the selected communications device (col. 11 lines 14-23); and

announcing information concerning the invitation to the team member using the IVR interface (the conversations between team members in text messages of fig. 5 can be voice messages according to audio and microphone as mentioned above).

As to claim 21, Tang teaches a method as claimed in claim 1, wherein the step of initiating the new communications session comprises the steps of:

using the personal identifier to send an invitation to the respective team member inviting the team member to join the communication session (identifying information, col. 11 lines 37-45);

receiving an invitation response from the respective team member, the invitation response representing whether or not the respective team member accepts the invitation (Tang's operating

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environment uses email and other communication devices (see claim 3 above) in communications between team members; therefore, meeting requests or an invitation along with a topic of discussion can be sent out to the team members, and the requester, who sent the invitation, will receive team members' replications.); and

if the respective team member accepts the invitation, establishing the communications session with the team member, using the personal identifier and the selected communications type (col. 8 lines 13-28, and see claim 14 above).

As to claim 22, it is similar in scope to claim 1 above except a packet network. Tang teaches a packer network (network interface 113, col. 11 lines 37-57).

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492) as applied to claim 1 above, and further in view of Lane (U.S. Patent No. 5,437,009).

As to claim 23, Tang et al. in view of Klein et al. teach the team communicates and availability information over at least a Switched Telephone Network (STN) (note the rejection of claim 1 above); however, Tang and Klein do not show a steps of monitoring Common Channel System (CCS) Signaling of the STN. Lane clearly provides this feature (CCS, col. 1 lines 13-50). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have Lane's CCS network in Tang's communication devices in view of Klein's virtual switching feature devices in order to increase the efficiency of the analysis by providing a logical shrinking of the data through any network-wide communication (col. 7 lines 4-18).

(11) Response to Argument

I. In response to Appellant's argument to Group 1 (Claims 1-22):

Appellant has argued that Tang fails to teach or suggest any means for obtaining presence, availability and activity information respecting a workgroup member's engagement in communications through a Switched Telephone Network (STN) as claimed. The Examiner strongly disagrees with the Appellant because Tang clearly teaches the usages of email, chat, Instant Messaging, audio/video conference, and also telephone use (e.g., col. 6 lines 47-59, and col. 8 lines 8-14), and the system automatically switches to other available devices if the current application device is not available to that user (e.g. col. 14 lines 45-51), and each computer or device of the workgroup members must be connected to the network such as LAN, WAN, and the Internet to be able to communicate with others throughout the Network (e.g. col. 11 lines 5-57). Based on those strongly supported evidences as stated above, Tang clearly suggests the usage of telephone lines for connecting the users with the Network in the invention. It is also well known in the art that client computers are coupled to the Internet through computer's modems which connect to telephone lines, and the telephone lines must connect to Public Switch Telephone Network (PSTN) which provides access to Internet providers such as AOL, Netcom, Netzero, etc. via the telephone lines; therefore, the Examiner strongly agrees that Tang clearly teaches and suggests using telephone lines in the invention, and the Switch Telephone Network of Klein is just bringing more detail evidences showing the usage/connection between the telephone lines and the Network. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the communication system of Tang to provide an ultimate implementation when user can manually/automatically control the switches

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to the telephones having the best received signals mentioned as the main invention of Klein (Klein, Abstract, col. 7 lines 34-46, and fig. 1); moreover, Klein clearly teaches the switch control features can be modified on a keypad of a telephone (virtual switches on a telephone, col. 17 line 64-col. 18 line 27) to switch/change and transfer of a conventional land-based telephone.

II. In response to Appellant's argument to Group 2 (Claim 23)

Appellant has argued that the Tang's communication devices in view of the Klein's switching features of telephone and the CCS Network of Lane show no suggestion to combine or motivation. The Examiner does not agree. Lane clearly mentions the Common Channel Signaling (CCS) Network providing a graphical display showing status information of the Network such as alarm messages, viewing information, changes to the Network (e.g., col. 2 lines 37-65). The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known and would have been obvious to implement the modified Tang to use the CCS Network of Lane to help user easily in monitoring and analyzing the Network based on the information status.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



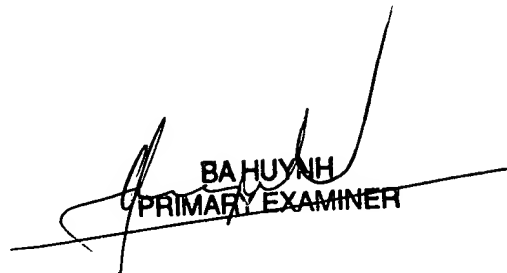
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